APPEAL NO. 042126
FILED OCTOBER 13, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq*. (1989 Act). A contested case hearing was held on July 28, 2004. The hearing officer resolved the disputed issues by deciding that the compensable injury does extend to and include traumatic arthritis of the right knee; that a maximum medical improvement (MMI) date cannot be determined; and that an impairment rating (IR) cannot be determined. The appellant (carrier) appealed, arguing that the hearing officer erroneously found that the claimant's traumatic arthritis of the right knee is a direct and natural result of the compensable injury and that since the arthritis is not related to the compensable injury, no other independent medical evidence exists which constitutes the great weight of other medical evidence to support the hearing officer's determination that the MMI date and IR could not be determined. The claimant responded, contending that the disputed determinations should be affirmed.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury of _____, extends to and includes traumatic arthritis of the right knee. That issue presented a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. This is equally true of medical evidence. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was persuaded that the claimant sustained his burden of proving that his compensable injury included traumatic arthritis of the right knee. Nothing in our review of the record reveals that the challenged determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse the extent-of-injury determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The designated doctor's job is to rate the entire injury. *See* Texas Workers' Compensation Commission Appeal No. 980996, decided June 22, 1998. It is undisputed that the designated doctor's certification of IR and MMI did not include the traumatic arthritis condition, which resulted in a total knee replacement. Since we have affirmed the extent-of-injury determination, we likewise affirm the determinations that MMI and IR cannot be determined.

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **LUMBERMENS MUTUAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78201.

_____
Margaret L. Turner
Appeals Judge

CONCUR:

_____
Thomas A. Knapp
Appeals Judge

_____
Edward Vilano
Appeals Judge